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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,297	01/25/2002	Gerhard Josef Karl Weusthof	TTII 0112 PUS	9772
7590 12/19/2005 Brinks Hofer Gilson & Lione P O Box 10395 Chicago, IL 60610			EXAMINER ALIE, GHASSEM	
			ART UNIT 3724	PAPER NUMBER
DATE MAILED: 12/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/056,297		WEUSTHOF ET AL.	
	Examiner		Art Unit	
	Ghassem Alie		3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/23/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 14 -16, 18, and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-13 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election by Original Presentation

1. Newly submitted claim 19 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 1-3, 6-13, and 17 and the newly submitted claim 19 are distinct subcombinations and they are separately usable.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-3, 6-13, and 17, drawn to a laser arbor for saw including a circuit that provides power from the power source which includes a portion secured to the non-rotating portion of the saw, a generator electrically connected to the light source, classified in class 83, subclass 520.

II. Claim 19, drawn to a laser arbor for a saw including an electric circuit for providing an electrical connection between the laser and the voltage source wherein electric current to power the laser is generated solely by rotation of the spindle, classified in class 83, subclass 522.23.

The inventions are distinct, each from the other because:

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. The invention of invention I which includes a power source having a portion secured to the non-rotating portion of the saw or a generator electrically connected to the light source and having a permanent has a separate utility such as it could be used without the electric circuit for providing an electrical connection between the laser and the voltage source wherein electric current to power the laser is

generated solely by rotation of the spindle of the invention II. Conversely, the invention of Group II which includes an electric circuit for providing an electrical connection between the laser and the voltage source wherein electric current to power the laser is generated solely by rotation of the spindle has a separate utility such as it could be used without the power source having a portion secured to the non-rotating portion of the saw or a generator electrically connected to the light source and having a permanent of the invention in Group I. See MPEP § 806.05(d). It should be noted that the electric power or current in invention I is generated by rotation of spindle and the portion on the non-rotating member of the saw. However, the electric power or the current is generated solely by the rotation of the spindle invention II.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 48-62 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Claim Objections

4. Claim 4 is objected to because of the following informalities: the current status identifier "Currently Amended" should be --Withdrawn, currently amended--. It should be noted that claim 4 has been previously withdrawn. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6-13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caluori et al. (6,035,757), hereinafter Caluori, in view of Osenbruggen (WO 99/02310) and Hegyi (4,648,610). Regarding claim 1, Caluori teaches a laser arbor for a saw 13 having a spindle 42 that rotates a saw blade 30 relative to a non-rotating portion of the saw 13. Caluori also teaches that the arbor includes a housing 12, a laser light 32 disposed at least in part within the housing 12. Caluori also teaches that housing 12 is secured to the spindle 42 on the laser arbor. Caluori also teaches a circuit 17, 18 electrically connected to the laser for providing power to the laser. Caluori also teaches that the circuit provides power from a voltage source 16. Caluori also teaches that the spindle 42 does not have any electrical connection with the non-rotating member of the saw. See Figs. 1-3 and col. 2, lines 49-67 and col. 3, lines 1-37 in Caluori. Caluori does not teach that the voltage source includes a portion secured to the non-rotation portion of the saw, wherein electrical current to power the laser light is generated on the spindle. Osenbruggen teaches a cutting tool 200, 1100 which has an emitting light 204, 906 to illuminate the surface of the workpiece to be cut. Osenbruggen also teaches that the voltage source for the lamps can be supplied from an inductor assembly connected to the power tool or the saw. See page 13, lines 11-24 in Osenbruggen. As is well known in the art inductors work by a stator that is

connected to the non-rotating part of a electric device and a rotor which is connected to a shaft of the electric device such as taught by Hegyi. Hegyi teaches an electric generator that has a rotor 8 which is connected to a shaft 13 and a stator 4 which is connected to the non-rotating part of the generator. Hegyi teaches that the generator generated an electric power or a voltage that is supplied to LED 5. It should be noted that the rotation of the shaft 13 rotated the rotor of the generator. See Figs. 1-5 and col. 2, lines 61-68 and col. 3, lines 1-28 in Hegyi. Hegyi generator can be used to provide power for the emitting light of a cutting assembly as suggested by Osenbruggen. Therefore, It would have been obvious to a person of ordinary skill in the art to provide Caluori's saw assembly with the arbor type generator such as taught by Hegyi in order to provide power to the emitting laser light of the arbor by using the rotary power of the shaft of the saw instead of a battery as suggested by Osenbruggen. It should be noted that Hegyi's generator has to can be connected to or combined with the Caluori's arbor in order to provide power to the emitting laser. It should be noted that the non-rotating part of the saw that is located in front of the spindle is a guard.

Regarding claim 2, Caluori, as modified above, teaches everything noted above including the circuit includes a generator, as taught by Hegyi, and the generator has a rotor 8 and a stator 4 associated with the non-rotating portion of the saw, whereby electrical energy is generated as the spinal rotates the rotor 13 relative to the stator 4. Hegyi's generator is part of the circuit that provides power to the laser light 5. See Figs. 1-5 in Hegyi.

Regarding claim 3, Caluori, as modified above, teaches everything noted above including that the circuit includes a generator having a permanent magnet secured to a fixed guard and an arcuate coil section 2 rotated by the spindle. See Fig. 1 in Hegyi.

Regarding claim 6, Caluori, as modified above, teaches everything noted above including that the circuit includes a power conditioning circuit that provide power within a predetermined voltage range to the laser. The generator provides the predetermined voltage to the laser.

Regarding claim 7, Caluori, as modified above, teaches everything noted above including that the fixed guard is part of non-rotating portion of the saw. It is well know that the fixed part in front of the spindle is the guard of the saw. Therefore, the permanent magnet as taught by Hegyi can be attached to the guard of the saw which is a fixed member as the member 4 in Hegyi's device.

Regarding claims 8 and 17, Caluori, as modified above, teaches everything noted above including that the rotor 13 is rotated by the motor relative to the stator 4 for generating power in the rotor for the light source 32 in Caluori. See Fig. 1 in Hegyi and Fig. 2A in Caluori. Caluori, as modified above, also teaches that the generator is electrically connected to the light source 32 in Caluori for providing power produced in the spindle. See Fig. 1 in Hegyi and Fig. 2A in Caluori.

Regarding claims 9-12, Caluori, as modified above, teaches everything noted above including that the rotor is an electrical coil, the stator in an electrical permanent magnet, and the rotor is electrically connected to a power conditioning circuit that provides power directly to the light source 5. See Fig. 1 in Hegyi.

Regarding claim 13, Caluori teaches that the light 32 is LED. See col. 3, lines 10-20 in Caluori.

Response to Amendment

7. Applicant's arguments with respect to claims 1-3, 6-13 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

December 7, 2005


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